

UNITED STATES DISTRICT COURT

for the
District of New MexicoIn the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)

The person of Elyse West

Case No. **22mr1893**

APPLICATION FOR A WARRANT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

Elyse West, currently incarcerated at the Cibola County Correctional Center in Milan, New Mexico

located in the _____ District of New Mexico, there is now concealed (identify the person or describe the property to be seized):

DNA by way of two buccal (cheek) swabs

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
☐ contraband, fruits of crime, or other items illegally possessed;
☐ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section

Offense Description

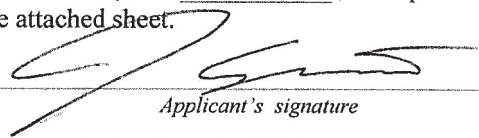
18 U.S.C. §§ 922(g)(1)

Possession of a Firearm and Ammunition by a Convicted Felon

The application is based on these facts:

See Attached Affidavit

- ☒ Continued on the attached sheet.
☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.



Applicant's signature

Jordan Spaeth, FBI Special Agent

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by
electronically submitted and telephonically sworn (specify reliable electronic means).

Date: December 19, 2022

City and state: Albuquerque, New Mexico



Judge's signature

Kirtan Khalsa, United States Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF SEARCH WARRANT

Introduction

1. I, Jordan Spaeth, Special Agent of the Federal Bureau of Investigation ("FBI"), being first duly sworn, make this affidavit in support of an application under Rule 41 of the Federal Rules of Criminal Procedure for a warrant to search the body of Elyse WEST ("WEST") to collect a DNA sample by way of two buccal (cheek) swabs.

Purpose of the Affidavit

2. I believe facts contained herein provide probable cause to believe that WEST violated 18 U.S.C. §§ 922(g)(1) and 924 Felon in Possession of a Firearm. This affidavit does not set forth all of my knowledge or summarize all of the investigative efforts in this matter; however, the affidavit sets forth only the facts that support probable cause to search WEST as relevant background information. All figures, times, and calculations set forth herein are approximate.

3. Any observations referenced herein that I did not personally witness were relayed to me in oral and/or written reports by agents of the FBI or other agencies. All figures, times, and calculations set forth herein are approximate.

Affiant's Relevant Training and Experience

4. I am a Special Agent with the FBI and have been a sworn law enforcement officer for approximately 14 years, serving as a police officer and FBI Special Agent. I have been with the FBI since 2018 and am currently assigned to the Albuquerque Violent Gang Task Force ("VGTF"). As a member of the VGTF my primary responsibility is to investigate criminal enterprises involving violent repeat offenders and gang members who participate in narcotics violations, firearms violations, human trafficking, robberies, and other violations of federal law. Prior to my current assignment I was assigned to the Violent Crime Task Force and also worked violent felony crimes which were committed on the multiple Indian Reservations/Pueblos

AFFIDAVIT IN SUPPORT OF SEARCH WARRANT

surrounding Albuquerque.

5. My investigative training and experience includes, but is not limited to, interviewing subjects, targets, and witnesses, writing affidavits for, and executing search and arrest warrants, collecting evidence, conducting surveillance, and analyzing public records. Over the course of my career, I have arrested hundreds of persons for offenses relating to armed robberies, firearm violations, bank robberies, illegal narcotics, and other criminal conduct. I have also been responsible for serving subpoenas and supervising cooperating sources, as well as analyzing phone records.

6. Through my training and experience, I am familiar with the methods and means used by individuals, drug trafficking organizations (“DTO”s), and gang/criminal enterprises to purchase, transport, store, and distribute controlled substances and firearms. I am also familiar with how those individuals and organizations hide the substantial profits generated from their criminal activities.

7. I know that firearms are tools of the trade and instrumentalities of the crime of drug trafficking, particularly in instances involving subjects who have committed prior violent crimes and/or firearms violations. It has been my experience that criminals who illegally possess firearms often do not part with such firearms, as it may be difficult for criminals to acquire them. I know that gang members often possess firearms on or near their person, in their vehicles and residences. I know that individuals who are prohibited from possessing firearms know they are not allowed to possess those firearms, therefore they will secrete those firearms within their vehicles, outbuildings, or residences.

8. I know that weapons (including rifles, shotguns, and handguns) are tools of the trade for drug traffickers, who often keep firearms in close proximity to themselves, and their

AFFIDAVIT IN SUPPORT OF SEARCH WARRANT

product and proceeds, to protect them from other drug traffickers and law enforcement.

Fingerprint and DNA Evidence

9. In my training and experience I am aware that the handling of firearms often results in fingerprint and DNA evidence being left on the firearm. I have worked several cases wherein firearms were forensically examined, and fingerprints or DNA were located on those firearms. I am aware that DNA evidence may be found on the firearms seized on March 18, 2022 (paragraph 12) and may contain WEST's DNA. I am requesting authorization to collect a DNA sample from WEST by buccal (cheek) swabs. I am aware that WEST is currently in custody and represented by counsel. I do not intent to interview or ask WEST any questions. I will audio record the execution of this search warrant.

Criminal History

10. I have reviewed WEST's criminal history, and I am aware that WEST has been arrested 11 times in New Mexico and is a convicted felon. I am aware that WEST pleaded guilty to trafficking a controlled substance on June 27, 2017, in case number D-721-CR-2016-0030. I am aware that WEST initially received a conditional discharge, however the court later revoked the conditional discharge and reimposed a suspended sentence, to include prohibiting her from possessing firearms.

Probable Cause

11. On March 18, 2022, officers with the New Mexico Corrections Department responded to the residence of ELYSE WEST, 4625 Fairfax Dr, Albuquerque, NM. WEST's vehicle was parked outside and there were multiple cameras on the front of the residence. Upon knocking on the front door, a subject looked out the front window then retreated inside the residence. Officers continued to knock and announce, and they subsequently forced entry to the

AFFIDAVIT IN SUPPORT OF SEARCH WARRANT

residence, locating WEST and two other individuals inside. A protective sweep of the residence was conducted. During the protective sweep, officers located two pistols and a rifle in the master bedroom under the bed. Due to the fact there were firearms located inside the residence of probationer WEST, a violation of one of the conditions of her probation, officers conducted a thorough search of the entire residence to look for additional probation violations.

12. Officers subsequently searched the residence; the below items were seized:
 - a. Approximately 300 blue tablets marked "M-30," suspected to contain fentanyl;
 - b. Radical Firearms AR 15, multi caliber pistol, SN RIP2194;
 - c. Remington model 770, 30/06 caliber rifle, SN M72077773;
 - d. Marlin model 60, 22 LR rifle, caliber, SN 19464056;
 - e. Dickinson pump action shotgun, 12 gauge, SN 183313949;
 - f. Ruger model LCP, .380 auto pistol, SN 372402408;
 - g. Kahr model CW40, .40 S&W pistol, SN FF2505;
 - h. FN model 508, 9mm pistol, CV007184; and
 - i. Approximately 250 rounds of various handgun and rifle ammunition, including ammunition manufactured by Winchester, Fiocchi, Nobel, and Lake City Arsenal.

13. Pursuant to the search, officers located the shotgun between the master bedroom mattress and box spring, the three rifles and two of the handguns were located below the master bedroom box spring, in the void space between the two sets of pull-out drawers. The Ruger LCP pistol was found on the top shelf in the master bedroom closet. A clear plastic bag containing hundreds of suspected Fentanyl pills were found inside a black safe. The black safe was located on the floor in the master bedroom closet. Officers located two safes in the master bedroom, WEST

AFFIDAVIT IN SUPPORT OF SEARCH WARRANT

provided the combination for one and the location of the key to unlock the second. Several other suspected Fentanyl pills were found in a small clear container on the master bedroom dresser.

14. It is important to note that the residence included only two bedrooms. One of the bedrooms belonged to a child and the second was the master bedroom which contained women's clothing and items in it.

15. Following the search, WEST was arrested on a probation violation warrant and later charged with trafficking controlled substance, 2nd offense.

16. On May 2, 2022, I collected the firearm evidence from the New Mexico Corrections Department and submitted the evidence to the FBI Laboratory for fingerprint and DNA examination.

17. On May 4, 2022, the Honorable United States Magistrate Judge Kirtan Khalsa authorized an arrest warrant charging WEST with one count of 18 U.S.C. §§ 922(g)(1) and 924 Felon in Possession of a Firearm, case number MJ 22-723. WEST was later transferred to the custody of the United States Marshal's Service.

18. On July 14, 2022, a grand jury in the United States District Court for the District of New Mexico issued an indictment and arrest warrant charging WEST with violations of:

- a. 21 U.S.C. §§ 841(a)(1) and (b)(1)(C) Possession with Intent to Distribute Fentanyl (N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide);
- b. 18 U.S.C. §§ 922(g)(1) and 924 Felon in Possession of a Firearm and Ammunition;
and
- c. 18 U.S.C. § 924a(c)(1)(A)(i) Possessing a Firearm in Furtherance of a Drug Trafficking Crime, case number 22-CR-1170-DHU.

19. On December 14, 2022, I received a report from the FBI Laboratory indicating that

AFFIDAVIT IN SUPPORT OF SEARCH WARRANT

they collected DNA swabs from the subject firearms and is standing by to compare any DNA on those swabs with DNA collected from WEST. Latent print (fingerprint) examinations on the subject firearms have not been finished. I intend to send the Buccal swabs requested in this search warrant to the FBI laboratory for DNA testing. I will request the FBI laboratory compare any potential DNA found on firearms seized from WEST's residence to WEST's DNA. This process is in line with FBI and U.S. Department of Justice protocols.

Conclusion

20. Based on the information contained herein, I submit probable cause exists to search the body of WEST, to collect a DNA sample by two buccal swabs, pursuant to Rule 41 of the Federal Rules of Criminal Procedure. This affidavit was reviewed by Assistant United States Attorney Paul Mysliwec.

Respectfully submitted,



Jordan Spaeth
FBI Special Agent

Subscribed electronically and sworn telephonically on December 19, 2022.



HONORABLE KIRTAN KHALSA
UNITED STATES MAGISTRATE JUDGE
DISTRICT OF NEW MEXICO